

sity of the public weal. The Company already have the right of the availment of any water power which may be necessary for the purposes of the Canal, as also the power expressly granted by the charter, of disposing of, for machinery, all waste water which may be essential for its security. No additional powers, therefore upon this subject appear to be necessary for the true objects of the corporation."

Notwithstanding this decisive refusal, the same application was renewed at December session, 1830. The report of the Committee thereon may be found in the printed journal of that session, pages 335, 336 and 337. It is argumentative, and again in the most decided terms repels the proposition as wholly inadmissible. The following remarks are extracted for the purpose of bringing the whole action of the State upon the subject together. "The prayers of the Chesapeake and Ohio Canal Company seem to your committee to be at variance with the interests of individuals who are already in the possession of rights that such grants would either destroy or greatly impair; a power which your committee believe the Legislature of Maryland never intended to confer, and an interference directly opposed to the policy hitherto pursued by that Legislature.—The powers, privileges and rights of incorporated companies are usually so expressed as to be easy of interpretation whenever such institutions are created; but as doubts have been suggested elsewhere, we deem it due to all who may be interested to be explicit. This is distinctly a charter to improve a navigation, and we cannot perceive in either this charter or that of the Old Potomac Company, the benefits of which enure to this Company, other intentions on the part of the Legislatures which granted them, except the provision *made for the benefit of proprietors of water powers*, in section 13, of the Potomac company's charter, passed 1784. The Legislature of Maryland at no time intended to authorise the Chesapeake and Ohio Canal Company to draw off the waters of the Potomac river or of its tributaries for the purpose of creating water power for mills or Manufactories. The use of those streams was permitted for the purpose of creating an improved navigation, and a right was given to use or dispose of *surplus or waste water*, but no more, (1824 ch. 79, sec. 16,) "except as provided in the 13th section, alluded to" (Charter of the Potomac Company.) "The committee would deem it impolitic if it were not otherwise wrong, to encourage the making of establishments which might subject the Company to the temp-